

**EIGHTEENTH DAY**  
(Wednesday, February 20, 1991)

The Senate met at 2:00 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Green, Haley, Harris of Tarrant, Harris of Dallas, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sims, Tejeda, Turner, Whitmire, Zaffirini.

Absent-excused: Glasgow, Henderson, Truan.

A quorum was announced present.

Pastor Glenn Papit, Central Assembly of God, Austin, offered the invocation as follows:

Our Father, we pause in recognition of Your sovereign lordship over every aspect of our lives and we pray today that Your will would be done. I ask also for blessing upon each participant as they endeavor to make proper decisions for our State. We pray also for peace in the Middle East and for Your protection of our young men and women in that area of the world and for Your guidance for our leaders. Please give them wisdom and insights and in all things may Your will be done. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVES OF ABSENCE**

Senator Truan was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Henderson was granted leave of absence for today on account of important business on motion of Senator Harris of Dallas.

Senator Glasgow was granted leave of absence for today on account of death in the family on motion of Senator Brooks.

**CO-AUTHOR OF SENATE BILL 112**

On motion of Senator Moncrief and by unanimous consent, Senator Bivins will be shown as Co-author of S.B. 112.

**CO-AUTHORS OF SENATE BILL 166**

On motion of Senator Zaffirini and by unanimous consent, Senators Lyon and Tejeda will be shown as Co-authors of S.B. 166.

**CO-AUTHOR OF SENATE BILL 376**

On motion of Senator Harris of Tarrant and by unanimous consent, Senator Moncrief will be shown as Co-author of S.B. 376.

**MESSAGE FROM THE HOUSE**

House Chamber  
February 20, 1991

HONORABLE BOB BULLOCK  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**S.C.R. 35**, Expressing appreciation to the members of the Armed Forces of the United States.

**S.C.R. 44**, Declaring Mrs. Berdie Beatrice Wood a treasured citizen of Hunt County, Texas.

Respectfully submitted,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### REMARKS BY PRESIDENT

Members of the Senate, it is my sad duty to inform you of the death of Mrs. Wenona Glasgow of Stephenville, the mother of our colleague, the Senator from Erath County.

Mere words are weak and fruitless at a time like this to erase the pain and suffering that this loss inflicts on Senator Glasgow and his family. But I would hope that the Senator and his brother and sister and all the family find some small solace in knowing that their hurt is shared by all of us. And I would hope that they take comfort in recalling the good and wonderful years that they shared Wenona Glasgow's life on this earth.

Surely in days and times ahead the Senator and his family will think of Wenona Glasgow in the words of the poet: that, though a star is removed from the heavens, its light may live on a thousand years in its journey into our lives. And certainly Wenona Glasgow was that kind of ray of warmth and goodness as a wife, a mother, a mother-in-law, grandmother and as a Christian and a friend.

The Texas Senate joins me, Senator Glasgow, in expressing our sympathy and condolences to you and to your family. The following resolution is but a mere token of our respect for your mother and for you, Senator.

#### SENATE RESOLUTION 227

WHEREAS, It is with great sorrow that the Members of the Texas Senate pause in their deliberations to mourn the death of Wenona Christine Jones Glasgow who died February 20, 1991; and

WHEREAS, The death of the mother of our distinguished colleague from Erath County leaves a wellspring of sorrow and deep sense of loss in the hearts of all who knew her; and

WHEREAS, Born January 19, 1914, in the Sidney community, Mrs. Glasgow was the daughter of King David Jones and Bessie May McCullough; and

WHEREAS, Married to Weldon Joe Bailey Glasgow on November 2, 1933, Mrs. Glasgow and her husband drew comfort and sustenance from each other, enjoying a rich and happy life together until his death in 1977; and

WHEREAS, A homemaker who fulfilled her duties toward her family with tender love and devotion, Mrs. Glasgow reared her children in an atmosphere of harmony and security; and

WHEREAS, Proud of her grandchildren and great-grandchildren, she was their most loyal advocate and confidante, taking to heart their sorrows and triumphs; whether a sports event or school ceremony, Mrs. Glasgow was present with a smile on her face and joy in her heart; and

WHEREAS, Her generosity was legendary; no one who asked for her time, advice, or companionship was ever turned away; she remained a valued friend and

counselor to her children and to their friends, who sought her wisdom and love even after they grew to be adults; and

WHEREAS, Talented and accomplished in all she chose to pursue, Mrs. Glasgow was the former owner of Nichols Flowers and a saleslady for Higginbotham; and

WHEREAS, A woman of great inner peace and serenity, she was a faithful member of the Graham Street Church of Christ; and

WHEREAS, Noted throughout Stephenville for her hospitality and gracious manner, Wenona Glasgow was the epitome of a Southern lady; and

WHEREAS, Although her presence among them will be deeply realized and felt by her family and friends, her memory will be forever treasured in their hearts; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 72nd Legislature, hereby honor the life of Wenona Christine Jones Glasgow and extend sincere condolences to the members of her family on their grievous loss: her daughter, Nancy Glasgow Golightly; her sons, Thomas Weldon Glasgow and Robert Joe Glasgow; her sister, Azalean Little; her brother, Russell Jones; and her seven grandchildren and five great-grandchildren; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of her family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Wenona Christine Jones Glasgow.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was adopted by a rising vote of the Senate.

#### RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

H.C.R. 39

H.C.R. 49

H.C.R. 51

H.C.R. 73

#### REPORTS OF STANDING COMMITTEES

Senator Green submitted the following report for the Committee on Jurisprudence:

S.B. 206

Senator Moncrief, Acting Chair, submitted the following report for the Committee on Health and Human Services:

S.B. 404 (Amended)

Senator Lyon submitted the following report for the Committee on Criminal Justice:

S.B. 195

S.B. 148

S.B. 203

Senator Whitmire submitted the following report for the Committee on Intergovernmental Relations:

S.B. 278  
S.B. 169  
S.B. 276  
C.S.S.B. 170  
C.S.S.B. 211

Senator Henderson, Vice Chair, submitted the following report for the Committee on State Affairs:

S.B. 54  
S.B. 107  
S.B. 126  
S.B. 127  
S.B. 191  
S.B. 246

#### SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

**S.J.R. 23** by Brown Intergovernmental Relations  
Proposing a constitutional amendment relating to the manner in which vacancies are filled on the governing bodies of certain municipalities.

**S.C.R. 46** by Carriker Natural Resources  
Creating a Red River Boundary Commission.

**S.B. 112** by Moncrief, Bivins, Brooks, Health and Human Services  
Armbrister, Brown, Henderson, Subcommittee on Health Services  
Leedom, Rosson, Turner, Barrientos, Glasgow, Dickson, Whitmire, Carriker, Lyon, Sibley, Tejada, Harris of Dallas, Green, Haley, Ratliff, Johnson, Krier, Lucio, Montford, Parker, Zaffirini, Ellis, Harris of Tarrant, Sims, Truan  
Relating to community centers and to the provision of community mental health and mental retardation services.

**S.B. 491** by Truan, Lucio Finance  
Relating to funding for Corpus Christi State University.

**S.B. 492** by Truan Health and Human Services  
Relating to the access to information for epidemiologic and toxicologic investigations by the Texas Department of Health.

**S.B. 493** by Truan Health and Human Services  
Relating to certain regulatory functions under the Texas Radiation Control Act.

**S.B. 494** by Krier State Affairs  
Relating to evidence of financial responsibility and submission of evidence of financial responsibility on registration of certain motor vehicles.

**S.B. 495** by Krier State Affairs  
Relating to the fine imposed for failure to maintain financial responsibility under the Texas Motor Vehicle Safety-Responsibility Act.

**S.B. 496** by Barrientos State Affairs  
Relating to unpaid maternity and parental leave for state employees.

- S.B. 497** by Dickson Criminal Justice  
Relating to the murder of an individual under six years of age.
- S.B. 498** by Dickson Economic Development  
Relating to the punishment and sentencing for the offense of possessing, manufacturing, transporting, repairing, or selling a machine gun.
- S.B. 499** by Dickson Criminal Justice  
Relating to the punishment and eligibility for parole for certain persons convicted of repeat offenses involving indecency with a child, sexual assault, or aggravated sexual assault.
- S.B. 500** by Dickson Criminal Justice  
Relating to the eligibility for parole of persons convicted of certain aggravated offenses or offenses in which a deadly weapon was used or exhibited.
- S.B. 501** by Dickson Criminal Justice  
Relating to the punishment for the offense of attempted murder.
- S.B. 502** by Dickson Criminal Justice  
Relating to the eligibility for probation or parole of defendants convicted of murder.
- S.B. 503** by Barrientos State Affairs  
Relating to credit in the Teacher Retirement System of Texas for accumulated sick leave.
- S.B. 504** by Barrientos State Affairs  
Relating to computation of certain benefits under the Employees Retirement System of Texas and the Teacher Retirement System of Texas.
- S.B. 505** by Barrientos Economic Development  
Relating to the goals and administration of the Texas Job-Training Partnership Act.
- S.B. 506** by Barrientos State Affairs  
Relating to the participation of certain retirement systems in the proportionate retirement program.
- S.B. 507** by Montford Finance  
Relating to increasing the student medical services fee at Texas Tech University.
- S.B. 508** by Moncrief Health and Human Services  
Subcommittee on Health Services  
Relating to the authority of the Texas Department of Health to regulate the disinterment of dead bodies.
- S.B. 509** by Green, Brooks Intergovernmental Relations  
Relating to the abatement of public nuisances in certain counties.
- S.B. 510** by Green State Affairs  
Relating to the application of the Professional Services Procurement Act to legal services.
- S.B. 511** by Green Intergovernmental Relations  
Relating to the off-duty security employment of certain peace officers and reserve law enforcement officers of counties and municipalities.
- S.B. 512** by Zaffirini, Turner State Affairs  
Relating to the suspension or denial of driving privileges for certain persons under 21 years of age who engage in conduct or commit an offense related to drugs or alcohol.

- S.B. 513** by Turner Intergovernmental Relations  
Relating to the composition of the juvenile board of Houston County.
- S.B. 514** by Turner State Affairs  
Relating to changes in a property tax appraisal roll.
- S.B. 515** by Leedom Health and Human Services  
Relating to retention and disposal of records by certain programs administered by the Texas Department of Health; amending Chapter 142, Health and Safety Code; adding Chapter 249, Health and Safety Code; and declaring an emergency.
- S.B. 516** by Barrientos Health and Human Services  
Relating to compensation of physicians by political subdivisions for medical services.
- S.B. 517** by Dickson, Bivins, Montford Natural Resources  
Relating to the commissioning of honorably retired game wardens of the Parks and Wildlife Department as special game wardens.
- S.B. 518** by Sims State Affairs  
Relating to the authority of the State Highway and Public Transportation Commission to provide specific information logo signs along interstate highways.
- S.B. 519** by Harris of Dallas Economic Development  
Relating to the authority and operation of certain business organizations which provide for limited liability.
- S.B. 520** by Harris of Dallas Economic Development  
Relating to certain private club registration permits.
- S.B. 521** by Brooks, Zaffirini Health and Human Services  
Relating to the regulation of medical physicists; providing penalties.
- S.B. 522** by Carriker Health and Human Services  
Relating to the establishment of youthful offender facilities operated by the Texas Youth Commission for the placement of certain youth as a condition of adult probation.
- S.B. 523** by Carriker Economic Development  
Relating to confidential information of The Banking Department of Texas and authorizing the Banking Commissioner to disclose certain confidential information to other states.
- S.B. 524** by Dickson Economic Development  
Relating to unmanned teller machines used by banks.
- S.B. 525** by Dickson Economic Development  
Relating to the routing of transactions at unmanned teller machines; providing a penalty.
- S.B. 526** by Parker Health and Human Services  
Relating to the conversion of certain hospital districts into districts operating under Article IX, Section 9, of the Texas Constitution.
- S.B. 527** by Parker Natural Resources  
Relating to the continuation and operation of the Texas Structural Pest Control Board.
- S.B. 528** by Harris of Tarrant, Armbrister, Brooks, Carriker Health and Human Services  
Relating to the practice of physical therapy.

**S.B. 529** by Barrientos

State Affairs

Relating to reimbursement of contributions to the group insurance program for retired public school employees; providing a penalty.

**GUESTS PRESENTED**

Senator Barrientos was recognized and introduced the Girls Under-14 soccer team, the Chap 77 Girls, winners of first place in the South Texas Youth Soccer Association State Games, Division II.

An enrolled copy of **S.R. 207**, previously adopted by the Senate on February 19, 1991, was prepared for each team member and their coaches.

Senator Barrientos further introduced the Boys Under-12 Chaparral Soccer Club, the Chaps 79-White, winners of first place in the South Texas Youth Association State Games, and the parents of all these young people seated in the gallery.

An enrolled copy of **S.R. 208**, previously adopted by the Senate on February 19, 1991, was prepared for each team member and their coaches.

**GUEST PRESENTED**

The President acknowledged the presence in the Senate Chamber of former Senator Joe Bernal of San Antonio.

The Senate welcomed Senator Bernal.

**SENATE RESOLUTION 228**

Senator Brooks offered the following resolution:

WHEREAS, We are honored today to have as a visitor in the Senate, Jose Jover of Humble, Texas, who has been honored today with special recognition as one of the 1990 Volunteers of the Year by the Texas Department of Human Services; and

WHEREAS, Mr. Jover is 89 years old and continues his active volunteer work at full speed, and is accompanied by Dr. Manuel Gandarillas, his son-in-law; Ms. Priscilla Bruyere, coordinator for RSVP services in Harris County; and Ms. Noreen Scott, Social Activity Director at Renaissance Place of Humble, where Mr. Jover resides; and

WHEREAS, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore be it

RESOLVED, That his presence be recognized by the Senate of Texas and that he and his guests be extended the official welcome of the Senate and the privilege of the floor.

The resolution was read and was adopted by a viva voce vote.

**GUEST PRESENTED**

Upon recognition, Senator Brooks introduced Mr. Jose Jover.

The Senate welcomed Mr. Jover.

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
February 19, 1991

TO THE SENATE OF THE SEVENTY-SECOND LEGISLATURE,  
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE A MEMBER OF THE DEPARTMENT OF INFORMATION RESOURCES BOARD, for a term to expire February 1, 1997:

JOHN KEEL  
9009 Great Hills Trail, No. 2634  
Austin, Texas 78759

Mr. Keel is being appointed on the recommendation of Lieutenant Governor Bob Bullock to a position that is now vacant.

Austin, Texas  
February 20, 1991

TO BE DISTRICT ATTORNEY OF THE 52ND JUDICIAL DISTRICT, CORYELL COUNTY, until the next General Election and until her successor shall be duly elected and qualified:

SANDY S. GATELY  
Route 3, Box 108  
Gatesville, Texas 76528

Ms. Gately will be replacing Phillip Ziegler, who was appointed Judge of the 52nd Judicial District Court.

TO BE MEMBERS OF THE TEXAS BOARD OF HUMAN SERVICES, for terms to expire January 20, 1997:

ROBERT GEYER  
2827 Harrison  
El Paso, Texas 79930

Mr. Geyer will be replacing Louis P. Terrazas of San Antonio, whose term expired.

YAVA D. SCOTT  
2103 Maple Gate Drive  
Missouri City, Texas 77489

Ms. Scott will be replacing Glenn McMennamy of Amarillo, whose term expired.

TO BE MEMBERS OF THE TEXAS BOARD OF HEALTH, for terms to expire February 1, 1997:

WILLIAM A. SCOTT  
3600 Montrose, #808  
Houston, Texas 77006

Mr. Scott will be replacing Isadore Roosth of Tyler, whose term expired.

RUTH F. STEWART  
4007 Burning Tree Drive  
San Antonio, Texas 78240-1015

Ms. Stewart will be replacing Sister Marian Strohmeyer of Edinburg, whose term expired.

RAMIRO R. CASSO, M.D.  
3400 Pecan  
McAllen, Texas 78501

Dr. Casso will be replacing Dr. Jose Roman, Jr., of El Paso, whose term expired.

TO BE A MEMBER OF THE LOWER COLORADO RIVER AUTHORITY BOARD OF DIRECTORS, for a term to expire February 1, 1997:

MARIA ANGELA FLORES BECK  
2014 Oakridge Lane  
La Grange, Texas 78945



Ms. Beck will be replacing Roy E. Bucek of Schulenburg, whose term expired.

Respectfully submitted,

/s/Ann W. Richards  
Governor of Texas

**MESSAGE FROM THE GOVERNOR**

The following Messages from the Governor were read and were filed with the Secretary of the Senate:

**PROCLAMATION  
BY THE  
GOVERNOR OF THE STATE OF TEXAS**

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Austin, Texas  
February 1, 1991

TO THE MEMBERS OF THE SENATE AND THE HOUSE OF  
REPRESENTATIVES OF THE SEVENTY-SECOND LEGISLATURE,  
REGULAR SESSION:

Pursuant to Article III, Section 5, of the Texas Constitution, I, Ann Richards, Governor of the State of Texas, submit the following emergency matters for the immediate consideration by the 72nd Legislature, now convened:

Legislation to allow the attorney general to provide medical and indemnity payments under the state Workers' Compensation Fund and to provide funding for necessary office operations; and to provide an emergency appropriation to the office of the attorney general.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my Office in the City of Austin, Texas, this the 1st day of February, A.D. 1991.

/s/Ann W. Richards  
Governor of Texas

ATTEST:

/s/John Hannah, Jr.  
Secretary of State

**PROCLAMATION  
BY THE  
GOVERNOR OF THE STATE OF TEXAS**

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Austin, Texas  
February 1, 1991

TO THE MEMBERS OF THE SENATE AND THE HOUSE OF  
REPRESENTATIVES OF THE SEVENTY-SECOND LEGISLATURE,  
REGULAR SESSION:

Pursuant to Article III, Section 5, of the Texas Constitution, I, Ann Richards, Governor of the State of Texas, submit the following emergency matters for the immediate consideration by the 72nd Legislature, now convened:

Legislation related to an emergency appropriation to the Texas Department of Human Services, and granting the authority to transfer funds within the agency's appropriations.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my Office in the City of Austin, Texas, this the 1st day of February, A.D. 1991.

/s/Ann W. Richards  
Governor of Texas

ATTEST:

/s/John Hannah, Jr.  
Secretary of State

#### CAPITOL PHYSICIAN

Senator Harris of Tarrant was recognized and presented Dr. Harold Nachimson of Irving.

The Senate welcomed Dr. Nachimson, a participant in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, and expressed appreciation for his contributions today.

#### FLOOR PRIVILEGES GRANTED

On motion of Senator Parker and by unanimous consent, Sally Haenelt was granted floor privileges to sit at the desk of Senator Parker during the deliberations on C.S.S.B. 351.

#### COMMITTEE SUBSTITUTE SENATE BILL 351 ON SECOND READING

Senator Parker asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 351**, Relating to public school finance. (Submitted by Governor as an emergency matter)

There was objection.

Senator Parker then moved to suspend the regular order of business to take up **C.S.S.B. 351** for consideration at this time.

The motion prevailed by the following vote: Yeas 23, Nays 4.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Carriker, Dickson, Ellis, Green, Haley, Johnson, Krier, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sims, Tejada, Turner, Whitmire, Zaffirini.

Nays: Brown, Harris of Tarrant, Harris of Dallas, Leedom.

Absent-excused: Glasgow, Henderson, Truan.

The bill was read second time.

Senator Parker offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **C.S.S.B. 351**, Section 6, page 28, line 13, by adding a new subsection (c) to read as follows:

(c) A district may impose a rate that exceeds the limitation of subsection (a) of this section for purposes of receiving the amount guaranteed under Subchapter K, Chapter 16 of this code.

The amendment was read and was adopted by a viva voce vote.

Senator Barrientos offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend C.S.S.B. 351 as follows:

Strike Section 16.001 (b), Education Code, as amended by Section 1 of the bill and substitute the following:

(b) The public school finance system of the State of Texas shall adhere to a standard of neutrality which guarantees substantially equal access to equal revenues per student for all students at any tax rate, while considering all state and local tax revenues of districts after acknowledging all legitimate student and district cost differences.

The amendment was read and was adopted by a viva voce vote.

Senator Haley offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend C.S.S.B. 351 by adding an appropriately numbered Section to read as follows:

SECTION . If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect any other provision or application of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**RECORD OF VOTES**

Senators Brown, Harris of Dallas and Leedom asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE  
SENATE BILL 351 ON THIRD READING**

Senator Parker moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 351 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 3.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Carriker, Dickson, Ellis, Green, Haley, Harris of Tarrant, Johnson, Krier, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sims, Tejeda, Turner, Whitmire, Zaffirini.

Nays: Brown, Harris of Dallas, Leedom.

Absent-excused: Glasgow, Henderson, Truan.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 7.

Yeas: Armbrister, Barrientos, Brooks, Carriker, Dickson, Ellis, Green, Haley, Johnson, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Tejada, Turner, Whitmire, Zaffirini.

Nays: Bivins, Brown, Harris of Tarrant, Harris of Dallas, Krier, Leedom, Sims.

Absent-excused: Glasgow, Henderson, Truan.

#### PERSONAL PRIVILEGE STATEMENT

Mr. President and Members, I rise on a matter of personal privilege.

There are a variety of categories which can be used to group State agencies.

One basic category is those agencies which have their money in the treasury and are subject to the rules of the appropriations process and those agencies which are outside. Agencies outside of the treasury are not held to the same standards of accountability to which we hold other agencies.

A major agency outside the treasury is the Texas Housing Agency.

Going into our Sunset Commission review of this agency we were reminded of the embarrassment to Texas that resulted from an incident several years ago when the Housing Agency, through management error, wound up depositing \$21 million in bond proceeds in an offshore bank. Sadly, over the course of the review other instances were documented that went in the opposite direction of the rules we place on state agencies.

In the Housing Agency, salaries of both exempt and classified employees are not required to be the same as for other agencies and employees. The board can determine how high or low to set them. Regular agencies must abide by the Appropriations Act which set classified salaries.

In the Housing Agency, travel, per diem, and health insurance do not have to meet the requirements of other agencies. The board determines those levels. Regular agencies are governed by the Appropriations Act, which sets standards for all State employees.

When the Housing Agency issues bonds, which have amounted to about \$2.3 billion since 1980, it does not have to look for bond firms that have minority counsel. Other agencies must. The Attorney General, by a policy adopted by the Bond Review Board is required to examine the policy on hiring co-counsel.

When the agency hires outside legal counsel it does not have to get review or approval by the Attorney General as required of other agencies by the Appropriations Act. Last year the agency spent \$365,518 on outside legal help without any review, and dismantled its own internal legal division.

The agency came under severe criticism for not serving the interests of low-income Texans in providing housing.

It was a combination of these matters that led to our recommendation that the agency be merged with the Department of Community Affairs. The bill to do so is this massive document here on my desk.

But I do not take the Senate's time to discuss this bill, but rather the danger of leaving agencies free of the regular review of the legislature, the comptroller, and the treasurer.

We hoped our review would have a positive effect on agency practices. However, a recent incident involving the agency makes it clear that ignoring standard government practices has become ingrained in the upper levels of the Housing Agency.

I was informed Monday by the new board chairman, appointed by Governor Richards, Art Navarro, that the former board chairman, Ken DeJarnett, had authorized and signed a bonus check to the former executive administrator, Tish Gonzalez, in the amount of \$23,131. The payment was listed as consulting services

for time spent acting as the agency's liaison to the Sunset Commission. I know of no other agency which paid a bonus to their Sunset liaison.

Mr. Navarro ordered a management audit, placed the matter on the board agenda for the next meeting, and informed the Governor's office. The Governor's general counsel and her ombudsman, Annette Lavoie, visited the Housing Agency to investigate. I want to applaud Mr. Navarro for his prompt action. And I want to salute the Governor's office for their rapid response.

Together, these are some of the facts the Governor's office and I have found.

First, the request for the money was based on a supposed agreement between the executive administrator and the then deputy director, Ms. Gonzalez, that she would receive money for extra work on Sunset. The Governor's office could find no evidence in the agency's records that such an agreement, memo, or contract exists.

Second, the request for payment was made by the chairman through a memo delivered to the financial officer of the agency at 3:00 p.m. with a demand that the check be ready by 5:00 p.m. The date of this transaction was January 14th. I wonder if the fact that at noon the next day a new governor would be sworn in who could name a new chairman of the Housing Agency had anything to do with the speed of this transaction.

The Governor's office could find no evidence that the payments to Ms. Gonzalez were the result of any type of request for proposal as is legally required in consulting contracts. Other agencies are forbidden by law from entering into consulting contracts with former employees for a year, much less from contracting to pay current employees for duties that should ordinarily be part of their job.

The payments were supposedly for overtime worked. The Appropriations Act prohibits compensatory time payments for executives as does the personnel manual of the agency. The internal audit of the agency also shows the hourly rate was probably higher than the salary of the employee for much of the time. Combined with her regular salary of \$75,000 a year, this bonus brought Ms. Gonzalez compensation of almost \$100,000.

The Governor's office is continuing its investigation. The Housing Agency Board is set to address the matter tomorrow morning.

If this incident had occurred at a State agency which keeps its money in the State treasury, it would be a clear violation of the law. Persons involved could be subject to possible criminal penalties. Because it did not, the individuals may not have violated any law.

But members, whether this \$23,000 Inaugural Eve bonus is illegal or unconstitutional or not, it is clearly unconscionable.

It is inconceivable to me that an agency charged with helping low-income Texans continues to act in such a fiscally irresponsible manner. I urge the board of the Housing Agency to disapprove of this payment. And I urge the individual who received it to return the money. And if it is not returned I urge the agency to pursue legal action to recover the money from the former board chairman who authorized and signed the check.

Finally, I would like to urge the former board chairman, who is still a member of the Housing Agency Board, to resign. Perhaps a new board with new management can find a truly deserving family that is in need of \$23,000 for housing.

BARRIENTOS

#### SENATE RULE 11.11 SUSPENDED

On motion of Senator Barrientos and by unanimous consent, Senate Rule 11.11 was suspended in order that tomorrow the Committee on Nominations might consider the following appointments by the Governor:

Sandy S. Gately, to be DISTRICT ATTORNEY FOR THE 52ND JUDICIAL DISTRICT, CORYELL COUNTY and John Keel, to be a Member of the TEXAS DEPARTMENT OF INFORMATION RESOURCES BOARD.

#### MEMORIAL RESOLUTIONS

- S.R. 218 - By Sims: In memory of Doris Gertrude Cullum of Wickett.  
S.R. 221 - By Glasgow: In memory of Gladys Payne Schieffer of Fort Worth.  
S.R. 222 - By Glasgow: In memory of Delbert Edward Tatman of Benbrook.  
S.R. 223 - By Glasgow: In memory of James Lynn Pickle of Everman.  
S.R. 224 - By Glasgow: In memory of Emma Stephen Roberson.  
S.R. 225 - By Glasgow: In memory of Charlie Jean West of Glen Rose.  
S.R. 229 - By Johnson: In memory of Frances Dirks of Dallas.

#### CONGRATULATORY RESOLUTIONS

- S.R. 210 - By Barrientos, Lucio, Tejeda, Truan, Zaffirini: Honoring Mr. Raul Yzaguirre, President and Chief Executive Officer of the National Council of La Raza, for his many years of dedicated service to the Hispanic community.  
S.R. 212 - By Harris of Tarrant: Honoring the 1990 Arlington Lamar High School Vikings football team and commending them for a superb 1990 season.  
S.R. 213 - By Bivins: Paying tribute to Mrs. Sybil B. Harrington, the recipient of the Gibson D. Lewis Award for Excellence in Cancer Control.  
S.R. 215 - By Ellis: Extending congratulations to Bessie O. Swindle for being chosen as a 1990 "Honoree of Outstanding Women" by the National Women of Achievement, Incorporated, Missouri City/Houston Metro Chapter.  
S.R. 216 - By Ellis: Extending congratulations to Mattie M. Hamilton Manos of Houston for being chosen as an "Honoree of Outstanding Women" by the National Women of Achievement, Incorporated, Missouri City/Houston Metro Chapter.  
S.R. 217 - By Sims: Extending congratulations to James Kenneth Gilland, Jr., of Midland on achieving the rank of Eagle Scout.  
S.R. 226 - By Haley: Recognizing KDET Radio Station in Center on the occasion of its 42nd anniversary.

#### ADJOURNMENT

On motion of Senator Brooks, the Senate at 4:49 p.m. adjourned, in memory of Mrs. Wenona Christine Jones Glasgow, until 10:30 a.m. tomorrow.

#### APPENDIX

Sent to Governor  
(February 19, 1991)

S.C.R. 6  
S.C.R. 23  
S.C.R. 28